

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

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JASMINE ROJAS, an individual,

No. 2:24-cv-3793 WBS CKD

Plaintiff,

12 || v.

ORDER RE: MOTION TO REMAND

FORD MOTOR CO., a Delaware Corporation; and DOES 1 through 50, inclusive,

Defendants.

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Plaintiff Jasmine Rojas ("plaintiff") filed this action in state court on November 14, 2024 against defendant Ford Motor Co. ("Ford") and a fictitiously named defendant dealer alleging various claims based on her allegedly defective vehicle manufactured by Ford and sold to her by the dealer in Fairfield, California. (Docket No. 1-2.) Ford answered the complaint on December 23, 2024. (Docket No. 1-9.)

Ford then removed the case to this court on December 31, 2024, based on diversity jurisdiction. (Docket No. 1 (citing 28 U.S.C. §§ 1332, 1441, 1446).) On January 13, 2025, 21 days

1 after Ford served its original answer, plaintiff amended her
 2 complaint to substitute Ford Lincoln Fairfield ("dealer") for the
 3 fictitiously named defendant dealer. (Docket No. 12.)

4 Diversity jurisdiction under 28 U.S.C. § 1332(a)
 5 requires "complete diversity" of citizenship among the parties.
 6 Demarest v. HSBC Bank USA, N.A., 920 F.3d 1223, 1225-26 (9th
 7 Cir. 2019). However, "[i]f after removal the plaintiff seeks to
 8 join additional defendants whose joinder would destroy subject
 9 matter jurisdiction, the court may deny joinder, or permit
 10 joinder and remand the action to the State Court."
 11 28 U.S.C. § 1447(e).

12 Because plaintiff filed the first amended complaint
 13 within 21 days of Ford's answer in state court, it was properly
 14 filed without the need for motion. See Fed. R. Civ. P.
 15 15(a) (1) (B). Furthermore, considering that the last two claims
 16 in the removed complaint refer to a "defendant dealer", albeit
 17 under a fictitious name, it does not appear that the dealer is a
 18 sham defendant. The court will thus permit plaintiff's joinder
 19 of the dealer.¹

20 Plaintiff is a citizen of California. (Docket No. 1-1
 21 at ¶¶ 7-12.) Ford is a citizen of Delaware and Michigan.
 22 (Docket No. 1-1 at ¶ 13.) But because the dealer is a citizen of
 23 California, the parties are no longer diverse. (See Docket
 24 No. 18 Exs. 1, 3-4.) Accordingly, plaintiff's amendment has
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26 ¹ Even if the dealer were not sued in the original
 27 complaint, the six-factor test of McGrath v. Home Depot USA, Inc., 298 F.R.D. 601, 606-08 (S.D. Cal. 2014), used to decide
 28 whether to permit joinder of the dealer, weigh in favor of joinder and remand pursuant to § 1447(e).

1 divested the court of subject matter jurisdiction over the
2 matter. See, e.g., Garcia v. Ford Motor Co., No. 24-cv-563 KJM
3 SCR, 2025 WL 314072, at *1-2 (E.D. Cal. Jan. 28, 2025) (remanding
4 suit against car manufacturer after plaintiff joined non-diverse
5 dealer); Williams v. Volkswagen Grp. of Am., Inc., No. 21-cv-275
6 JLT EPG, 2022 WL 538970, at *1-2 (E.D. Cal. Feb. 23, 2022)
7 (same).

8 IT IS THEREFORE ORDERED that plaintiff's motion to
9 remand the case back to state court (Docket No. 13) be, and the
10 same hereby is, GRANTED. This case is hereby REMANDED to the
11 Superior Court of the State of California, in and for the County
12 of Placer.²

13 Dated: February 21, 2025


WILLIAM B. SHUBB

14 UNITED STATES DISTRICT JUDGE

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² The court does not find that defendant Ford should be sanctioned based on its removal of the case. Accordingly, plaintiff's request for sanctions raised in the motion to remand is DENIED.